

Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO RUBIO-PEREZ,

Defendant.

NO. CR07-5368RBL

ORDER
GRANTING GOVERNMENT'S
MOTION REGARDING
WAIVER OF
ATTORNEY-CLIENT
PRIVILEGE

Having reviewed the Government's Motion for an Order Regarding Francisco Rubio-Perez's Waiver of His Attorney-Client Privilege, and based upon the reasons set forth in that Motion,

IT IS HEREBY ORDERED that Defendant Rubio-Perez, by raising issues related to his legal representation in the context of his motion to withdraw his guilty plea, has waived his attorney-client privilege for the purpose of litigating that motion. Accordingly, Rubio-Perez's former attorney, Phil I. Brennan, is hereby authorized to provide evidence of his conversations with Rubio-Perez (including otherwise privileged legal conversations), and is hereby ORDERED to testify at the evidentiary hearing in this matter.

1 IT IS FURTHER ORDERED that, absent further orders from this Court, the
2 evidence provided pursuant to this Order shall be used solely for the purpose of litigating
3 Rubio-Perez's motion to withdraw his guilty plea, and shall not be admissible against
4 Rubio-Perez in any other proceeding, including at any trial in this case. This Order shall
5 remain in effect even after the Court has rule on the motion to withdraw. Both parties
6 retain the right to apply to the Court for modification of this Order.

7 DONE this 29th day of May, 2008.

8
9
10 
11 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

12 Presented by:

13 /s/ Michael Dion
14 MICHAEL DION
15 Assistant United States Attorney
16
17
18
19
20
21
22
23
24
25
26
27
28